

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

SUZANNE M. LEWIS,

Plaintiff,

v.

Case No: 6:19-cv-909-Orl-31LRH

**ABBOTT LABORATORIES, INC., ST.
JUDE MEDICAL, LLC and
GREATBATCH LTD.,**

Defendants.

ORDER

On February 5, 2020, United States Magistrate Judge Leslie R. Hoffman issued a Report and Recommendation (“R&R”) (Doc. 79) recommending that Greatbatch’s motion to dismiss (Doc. 71) be granted in part as to the lack of personal jurisdiction. The R&R also granted Plaintiff’s renewed alternative motion to sever Greatbatch and transfer Plaintiff’s claims against it to the United States District Court for the Western District of New York (Doc. 75).

On February 28, 2020, Greatbatch objected to that part of the R&R that recommended severance and transfer (Doc. 82). Plaintiff responded in opposition to that objection (Doc. 84). In its objection, Greatbatch contends that under a *de novo* standard of review, Magistrate Judge Hoffman failed to properly weigh the evidence. However, severance and transfer are not dispositive issues and must be reviewed under the “clearly erroneous” or “contrary to law” standard. Fed. R. Civ. P. 72(a). Under this standard, Greatbatch’s motion is due to be denied. In the R&R, Magistrate Judge Hoffman applied the correct legal standard and her analysis of the evidentiary factors was not clearly erroneous. Accordingly, it is

ORDERED that:

1. The objections to Magistrate Judge Hoffman's R&R filed by Greatbatch (Doc. 82) are **OVERRULED**. The R&R (Doc. 79) is confirmed in all respects.
2. Greatbatch's motion to dismiss as to the lack of personal jurisdiction (Doc. 71) is **GRANTED**.
3. Plaintiff's renewed alternative motion to sever Greatbatch from this case and transfer Plaintiff's claims (Doc. 75) is **GRANTED**.
4. Plaintiff's claims against Greatbatch are **SEVERED** from the second amended complaint and those claims are hereby **TRANSFERRED** to the United States District Court for the Western District of New York, Buffalo Division.

DONE and **ORDERED** in Chambers, Orlando, Florida on March 2, 2020.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party